



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CONNOLLY BOVE LODGE & HUTZ LLP
SUITE 800
1990 M STREET NW
WASHINGTON DC 20036-3425

COPY MAILED

APR 14 2006

OFFICE OF PETITIONS

In re Application of	:	
Williams, et al.	:	
Application No. 09/980,895	:	ON PETITION
Filed: July 15, 2002	:	
Attorney Docket No. 21046-00045-US1	:	

This is a decision on the petition under 37 CFR 1.181, filed June 17, 2005, requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application was held abandoned for failure to respond in a timely manner to the final Office action, mailed September 21, 2004, which set forth an extendable three (3) month period for reply. The Office contended that this application became abandoned on December 22, 2004 for failure to reply to the September 21, 2004 final Office action. A Notice of Abandonment was mailed on June 1, 2005.

Petitioners assert a continuation application and a request for a three month extension of time were timely filed by Express Mail on March 21, 2005. While the documents were filed on March 21, 2005 and March 21, 2005 is within the extendable period for reply, a review of financial records reveals that deposit account no. 50-1259 had insufficient funds to cover the three month extension of time on March 24, 2005, when the Office attempted to charge the fee. Therefore, petitioners did not purchase a three month extension of time and the application became abandoned prior to the filing of the continuation application.

Petitioners are strongly encouraged to file a petition to revive under the unintentional standard of 137(b) to establish copendency with the continuation application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions